

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTINE D. DRAKE,)
individually and on behalf of)
others similarly situated,)

Plaintiffs,)

v.)

Case No. 2:20-cv-02076-ACA

BBVA USA BANCSHARES,)
INC., as named fiduciary,)
ROSILYN HOUSTON, SHANE)
CLANTON, JAVIER)
HERNANDEZ, KIRK)
PRESLEY, CELIE NIEHAUS,)
JOE CARTEE, JIM HESLOP,)
ANGEL REGLERO, individually)
and as members of the Investment)
Committee, ENVESTNET)
ASSET MANAGEMENT, INC.)
as investment fiduciary,)

Defendants.)

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADING**

Defendants BBVA USA Bancshares, Inc. (“BBVA”), the Individual Investment Committee Defendants (the “Individual Defendants”) who have waived service and appeared¹, and Envestnet Asset Management, Inc. (“Envestnet”), move

¹ The “Individual Defendants” include Rosilyn Houston, Shane Clanton, Javier Hernandez, Kirk Presley, Celie Niehaus, Joe Cartee, and Jim Heslop. For clarity, the undersigned counsel for the Individual Defendants does not represent named Defendant Angel Reglero.

the Court for an extension of time, until April 15, 2021, to answer or otherwise respond to Plaintiff's First Amended Complaint. In support of this Motion, Defendants state as follows:

1. On December 28, 2020, Plaintiff filed a Class Action Complaint against Defendant BBVA Bancshares, Inc. and others in this Court. *See* Doc. 1.

2. BBVA, through counsel, agreed to waive formal service of the summons and complaint. BBVA's deadline to answer or otherwise respond to the Complaint was February 26, 2021.

3. BBVA asked the Court for an extension of time, until March 15, 2021, to prepare a response. *See* Doc. 20.

4. After retaining counsel, the Individual Defendants agreed to waive formal service of the summons and Complaint, which was filed on February 25, 2021. After service of the summons and complaint, Envestnet asked the Court for extension of time to prepare a response. *See* Doc. 6 (Envestnet requesting until March 15, 2021). The Individual Defendants did the same. *See* Doc. 22 (Individual Defendants requesting until March 22, 2021).

5. The Court entered text orders granting all Defendants' motions for extension of time to respond to the Complaint. *See* Text Order, March 3, 2021 (granting the Individual Defendants' motion); *See* also Text Order, Feb. 12, 2021 (granting BBVA's motion); Text Order, Feb. 1, 2021 (granting Envestnet's motion).

6. Plaintiff filed its First Amended Complaint on March 4, 2021.

See Doc. 25.

7. Due to the complex nature of the First Amended Complaint, all Defendants who have been served and appeared respectfully ask the Court for an extension of time, until April 15, 2021, to prepare a response.

8. Counsel for BBVA has conferred with counsel for Plaintiff, and Plaintiff consents to the proposed extension for all Defendants.

9. Defendants do not seek this extension for purposes of undue delay.

10. The proposed extension will not prejudice any party, as this matter is still in its initial stages.

11. Accordingly, for good cause shown, Defendants respectfully request that the Court extend the deadlines for all Defendants who have been served and appeared to respond to Plaintiff's Complaint until April 15, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

NONE

/s/ Leigh Anne Hodge

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